

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

JOHN BROSNAN,

Plaintiff,

No. C 07-04337 WHA

v.

DON OBERLE, TIMOTHY JON CARRE,  
JAMES G. SCHWARTZ, JOSHUA D.  
BRYSK, INNOVATIVE MORTGAGE  
SOLUTIONS, MERIDIAN CAPITAL  
INC., and DOES 1-100,

Defendants.

**ORDER OF DISMISSAL  
AND REFERRAL TO  
UNITED STATES ATTORNEY**

After a hearing on June 19, 2008, the Court **DISMISSES** this case with prejudice because it is duplicative of a previous appeal from the bankruptcy court and involved the same issues and the same parties. All parties remain under order to preserve all evidence ordered to be preserved at the June 19 hearing.

This case is referred to the United States Attorney for possible perjury and obstruction based upon testimony given under oath by plaintiff John Brosnan and/or defendant Don Oberle at the hearing held on June 19 and the conduct necessitating the hearing. The circumstances of the evidentiary hearing and the events leading thereto are set forth in the Court's order dated May 28 and the transcript for June 19. The Court takes no position whether a prosecution is or is not warranted, a decision entirely up to the United States Attorney. The Clerk shall send a copy of this order to the United States Attorney.

**IT IS SO ORDERED.**

Dated: June 20, 2008.

  
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WILLIAM ALSUP  
UNITED STATES DISTRICT JUDGE